

State Board of Education
April 13, 2010
Item J

Team: Legal Division

Discussion/Update Topic: Requests by the Bethel School District and the Rochester School District for supervisory union regrouping.

Statutory Authority: [16 V.S.A. § 261\(b\)](#); [SBE Rule 3200](#)

Background Information: Over the past year, the Department has fielded inquiries from residents of the Bethel School District and the Rochester School District about governance options and supervisory union regrouping. Department staff have also met face-to-face with a group of individuals from those two districts, and individuals from other districts within Windsor Northwest Supervisory Union. At their recent annual school district meetings, a majority of the electorate of each district voted to ask the State Board to consider regrouping its district into a different supervisory union. This triggers a mandatory study by the State Board.

Purpose of Discussion: To plan a process for the mandatory study.

Cost Implications: Staff resources will be necessary to study the two districts' needs assessments, to design and conduct an independent assessment, and to formulate a recommendation to the State Board.

Commissioner's Recommendation: That both districts prepare the needs assessments that are required by State Board policy (attached), and that they submit the same to Carol King following the conclusion of the 2010 legislative session (when any changes to the state's education governance structure will be known). The matter should be discussed again at the first State Board meeting following the submission of the two needs assessments.

Staff Available: Mark Oettinger, General Counsel.

Title 16: Education

Chapter 7: SUPERVISORY UNIONS

16 V.S.A. § 261. Organization and adjustment of supervisory unions

§ 261. Organization and adjustment of supervisory unions

(a) The state board shall review on its own initiative or when requested as per subsection (b) of this section and may regroup the supervisory unions of the state or create new supervisory unions in such manner as to afford increased efficiency or greater convenience and economy and to facilitate K-12 curriculum planning and coordination as changed conditions may seem to require.

(b) Any school district which has so voted at its annual school district meeting, if said meeting has been properly warned regarding such a vote, may apply to the state board of education for adjustment of the existing supervisory union of which it is a component district. The state board shall give timely consideration to such requests and may regroup the school districts of the area so as to ensure reasonable supervision of all public schools therein.

(c) The state board may designate any school district, including a unified union district, as a supervisory district if it will offer schools in grades K-12 and is large enough to support the planning and administrative functions of a supervisory union.

(d) Upon application by a supervisory union board, the state board may waive any requirements of chapter 5 or 7 of this title with respect to the supervisory union board structure, board composition or board meetings, or the staffing pattern of the supervisory union, if it can be demonstrated that such a waiver will result in efficient and effective operations of the supervisory union; will not result in any disproportionate representation; and is otherwise in the public interest. (Amended 1987, No. 228 (Adj. Sess.), § 3; 1991, No. 181 (Adj. Sess.), § 3.)

Excerpt from SBE Manual of Rules and Practices:

3200 Supervisory Unions

3210 Statutory Authority: 16 VSA §261, 16 VSA §262, 16, VSA §§263-266, 16 VSA §267, 16 VSA §§301-303, 16 VSA §§321-325

3220 Supervisory Union Adjustments

3221 Procedure

3221.1 Adjustments may be requested by a member district(s), or initiated by the State Board of Education.

3221.2 A school district may petition following a vote, complying with 16 VSA §261(b), in favor of adjustment.

3221.3 Following a request to adjust, the petitioning district shall conduct a needs assessment which should indicate what educational services are presently provided and what educational services would be provided under the proposed adjustment.

3221.4 The needs assessment will be conducted by the state Department of Education if the State Board of Education initiates the request.

The Department of Education shall obtain a response from affected school districts.

3221.5 The State Board of Education will consider action on a request following receipt of the above information.

3221.6 In no case will adjustments occur within supervisory unions until July 1 following the annual supervisory union meeting following State Board of Education action.

3222 Agreement

School districts involved in a supervisory union adjustment must agree to the following:

3222.1 To maintain a K-12 or 1-12 educational continuum to the extent practicable.

3222.2 That all existing programs or equivalent services currently provided through local financial effort shall continue to be provided in all districts affected for a minimum of three (3) years from the effective date of the adjustment.

3222.3 The Department of Education shall report to the State Board of Education as to district agreement on and compliance with the conditions. Failure to comply could result in a reversion to the original organizational pattern.

3223 Needs Assessment

Supervisory unions shall be organized to the extent practicable to offer a comprehensive program of instruction in kindergarten or grade one through twelve which meets the needs of children. Factors to be considered in the needs assessment shall include the educational programs and services to meet the needs of regular and exceptional children and support services and programs.

Needs assessments shall be conducted according to procedures developed by the Department of Education.

3223.1 The supervisory union shall provide educational and administrative leadership and supervision at a reasonable cost consistent with local taxable wealth and state and federal financial support.

3223.2 A supervisory union shall be a contiguous geographic unit with consideration given to whether there are community characteristics that will assist in deciding its boundary.

DEPARTMENT OF EDUCATION
Montpelier, Vermont
April 10, 1990

CRITERIA TO BE INCLUDED IN A NEEDS ASSESSMENT*

The Needs Assessment will be completed for all districts that would be affected by the proposed adjustment of the supervisory union boundary.

- 1 a. Describe the existing policy to coordinate curriculum among each of the sending and receiving schools within the supervisory union.
- b. Describe how curriculum will be coordinated among each of the sending and receiving schools within the proposed supervisory union.
- c. If any current district member will not be a member of the proposed supervisory union, describe how their services will be provided.
- 2 a. Describe how curriculum is developed and evaluated within the supervisory union.
- b. Describe how curriculum would be developed and evaluated within the proposed supervisory union.
- c. If any current district member will not be a member of the proposed supervisory union, describe how this service will be provided.
- 3 a. Describe the supervisory union's fiscal operations.
- b. Describe the fiscal operations for the proposed supervisory union.
- c. If any current district member will not be a member of the proposed supervisory union, describe how their fiscal services will be provided.
- 4 a. What is the established written policy on professional development? How is it implemented?
- b. What will be the written policy on professional development? How will it be implemented?
- c. If any current district member will not be a member of the proposed supervisory union, describe how professional development will be implemented.
- 5 a. Describe how special education and compensatory education services are provided to the members of the supervisory union.
- b. Describe how special education and compensatory education services will be provided to the members of the proposed supervisory union.
- c. If any current district member will not be a member of the proposed supervisory union, describe how special education and compensatory education services will be provided.

Needs Assessment, continued

2.

- 6
 - a. Describe any other services currently being provided to the members of the supervisory union.
 - b. Describe any other services to be provided to the members of the proposed supervisory union.
 - c. If any current district member will not be a member of the proposed supervisory union describe how other services (if any) will be provided.
7. Provide the following information for:
 - a. Each member of the current supervisory union
 - b. Each member of the proposed supervisory union
 - c. Each member that will not be a member of the proposed supervisory union
 on:
 - a. Enrollment (past 5 years, current and projected)
 - b. Professional and non-professional staffs (FTE's)
 - c. Central office staff (FTE's)
- 8
 - a. provide a copy of the budget for the existing supervisory union, including income, for the most recently completed fiscal year, the current year and the following year.
 - b. Provide a copy of the budget, including income, for the proposed supervisory union.
 - c. If any current member of the supervisory union will not be a member of the proposed supervisory union, provide information on their financial responsibilities.
- 9
 - a. Provide a description of the common and uncommon community characteristics of the existing supervisory union.
 - b. Provide a description of the common and uncommon community characteristics of the proposed supervisory union.
 - c. If any current member of the supervisory union will not be a member of the proposed supervisory union provide a description of the common and uncommon community characteristics of their new supervisory union.
10. What will be the impact if a member of a supervisory union is transferred to another supervisory union, under the proposed adjustment?

*[*State Board of Education Manual of Rules and Practices, Rule 3200](#)*